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Division of Wyeth, Walter Wardrop, and Michael
McDermott

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER
WARDROP, ANDREW SCHASCHL, and
MICHAEL McDERMOTT,

Defendants.

05-CV-8106 (RCC) (DFE)

**DECLARATION OF
ANDREW SCHASCHL**

I, Andrew Schaschl, declare:

1. I reside in Ballsbridge, Ireland (Dublin 4), and I am employed by Wyeth Pharmaceuticals, a Division of Wyeth ("Wyeth") as a Senior Director of the BZA/CE-PNP Project at Wyeth's Newbridge, Ireland facility. Prior to my transfer to Wyeth's Newbridge, Ireland facility, I worked at Wyeth's Pearl River, New York facility. I make this declaration based on my own personal knowledge.

Production Coordinator Position

2. In or about July of 2002, as a Director, I was responsible for hiring an individual for a vacant Production Coordinator position, a position which reported to me and a position which had been held by Todd Davenport. The Production Coordinator was responsible

for planning the manufacturing process for three different departments as the product passed through four primary production areas. A more complete description of the job responsibilities for this position is provided on the Job Description Worksheet attached hereto as Exhibit 1. I believed that it was extremely important that the Production Coordinator have strong multi-tasking skills and a good cross-functional background.

3. Several people expressed interest in this position, including Chris DeFeciani and Howard Henry. I decided to hire Mr. DeFeciani for the position because I believed that he was the most qualified for the position for a number of reasons. Mr. DeFeciani had excellent multi-tasking skills, which were critical for this job. In addition, at the time he was hired, he had either completed his APICS certification in logistic planning or was close to completing his APICS certification for logistic planning. Mr. DeFeciani also had a very good cross-functional background and excellent knowledge of manufacturing operations, which I believed were important for this position. I had hired Mr. DeFeciani into another position in the organization for which I was responsible, and I had the opportunity to work with him in this position. Mr. DeFeciani had proven himself to me as an excellent performer and a very capable employee. Finally, Mr. DeFeciani had filled in as the Production Coordinator at times in the past when his predecessor, Mr. Davenport, was absent from the job. Mr. DeFeciani had performed the Production Coordinator job responsibilities very well on these occasions. For these reasons, I believed Mr. DeFeciani was the best choice for the Production Coordinator position, and I hired him for that position.

4. Mr. Henry also had applied for this open Production Coordinator position. Because Mr. Henry was then working in an organizational unit that I headed, I was familiar with Mr. Henry's work experience and performance. I did not believe that Mr. Henry had a full

breadth of knowledge and experience in the manufacturing operations, as Mr. DeFeciani had. At this time, Mr. Henry's work was primarily focused on one project, the installation of a continuous tablet coater. In addition, based on my experiences with Mr. Henry, I believed that he had problems multi-tasking, which would have made it difficult for him to succeed in the Production Coordinator position.

5. In April 2003, Mr. DeFeciani took a medical leave of absence, and I asked another employee, Richard Morgan, to perform the Production Coordinator job responsibilities on a temporary basis during Mr. DeFeciani's absence. Even before Mr. DeFeciani's medical leave, Mr. Morgan had been filling in for Mr. DeFeciani and had been performing the Production Coordinator job responsibilities in Mr. DeFeciani's routine absences from work. Mr. Morgan had performed this job well in the past, had a good breadth of knowledge of the manufacturing operations, and, in general, was an excellent performer. For these reasons, I asked Mr. Morgan to perform the Production Coordinator job responsibilities while Mr. DeFeciani was on his medical leave.

6. Mr. DeFeciani's medical leave did not create an opening for this position, and Mr. Morgan was not formally placed into this position during Mr. DeFeciani's medical leave. Mr. Henry never asked me if he could perform the Production Coordinator position during Mr. DeFeciani's medical leave. Even if he had specifically requested to perform these duties during Mr. DeFeciani's absence, I still would have asked Mr. Morgan to perform these duties for the reasons explained above.

The Organizational Cascade

7. In 2003, Wyeth's Pearl River facility initiated a massive corporate restructuring referred to as the Organizational Cascade. As part of the Organization Cascade, the

highest level managers at the Pearl River facility, created a new corporate structure and a new organizational chart at the Pearl River facility. At this stage in the Organizational Cascade, no individuals were assigned to positions in the new organizational structure. In essence, every employee was removed from their position and placed in a pool of people available for hire for a position in the new organizational structure. Positions in the new organizational structure then were filled from the top down, in a cascading manner.

8. First, Michael McDermott, Managing Director, selected individuals to fill the Director level positions and the positions that reported directly to him. Next, those that had been selected for these Director level positions in the new organizational structure, selected individuals to fill the positions that were the next level down and that reported directly to them (Associate Directors and Managers). Next, those that had been selected for these Associate Director and Manager positions filled the remainder of the positions in the new organizational structure by selecting the individuals who would report to them. This was done as part of a group meeting of Associate Directors and Managers, who utilized a collaborative approach and reached a consensus of opinion. The primary considerations in placing these individuals were matching an individual's skills to the skills required by the position, potential for a developmental opportunity for the individual, and an individual's performance.

9. The Organizational Cascade affected all people in the organization. One of the purposes of the Organizational Cascade, and the job rotation that it produced, was to ensure that employees develop a well-rounded and diverse background in the manufacturing process. In connection with the Organizational Cascade process, Mr. Henry was assigned to assume a position as a Packaging Supervisor.

10. On January 9, 2004, Henry met with me to express his job assignment as part of the Organizational Cascade and his overall rating on his 2003 Performance Review. Henry told me that he believed that he had been placed in the Packaging Supervisor position as a punitive measure in response to his 2003 Performance Review. I explained to Henry that this was not the case, and I explained how the selections were made as part of the Organizational Cascade. I also explained to Henry that the Packaging Supervisor position would be a good developmental opportunity for him, as it would provide him with direct supervisory experience and would give him exposure to the packaging operation, which could help him obtain other positions in the future.

11. Henry also complained that he should have been rated a 5 or at least a 4 in his 2003 Performance Review. I explained to Henry that I felt that he had problems with overall project management and driving multi-tasked, cross functional projects to completion. I gave him two examples of projects (the CTC Cleaning Verification and the CTC Weigh Belt) that were completed well beyond an acceptable time frame. Henry was responsible for leading both of these projects. However, because the projects were taking so long to complete, I had to ask Henry's supervisor, Walter Wardrop, to intervene to get the projects completed on a timely basis. Mr. Wardrop, rather than Mr. Henry, then was forced to lead this project and to see that the projects were completed. I explained to Henry that he required too much attention from his managers to ensure tasks like this are completed and that one of the expectations of the position was that assignments are completed with minimal supervision. In response, Mr. Henry became vocal, yelling that I was wrong and that he did work hard.

12. Ultimately, I advised Henry that I believed that the performance review process was administered fairly and that the Organizational Cascade was administered the same

to all personnel so it would not be appropriate to re-review him or re-assign him. A more complete description of my conversation with Mr. Henry on January 9, 2006 is provided in the memorandum, which I prepared and which is attached hereto as Exhibit 2.

13. At no time during my discussion with Mr. Henry on January 9, 2006, did Mr. Henry state that he felt that he had been discriminated against based on his race or color. Moreover, at the time of my January 9, 2004 meeting with Mr. Henry, I had no knowledge, or reason to believe, that Mr. Henry had ever made any complaint of discrimination.

Executed on Dec. 4, 2006 at Newbridge, Ireland.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Andrew Schaschl

EXHIBIT 1

PHARMACEUTICALS TECHNICAL OPERATIONS AND PRODUCT SUPPLY

JOB DESCRIPTION WORKSHEET -EXEMPT

INCUMBENT'S NAME(S) Christopher Defeciani		JOB TITLE Production Coordinator	
GRADE 10	SUPERVISOR'S NAME Andrew Schaschl		SUPERVISOR'S TITLE Director
ORGANIZATIONAL UNIT P64509	JOB CODE MBVC		REVISION #

I. JOB SUMMARY - Summarize the primary purpose of the job in 2 to 3 sentences.

Plans manufacturing for 3 departments/trains through the four primary production areas (weighing, blending, compression, and coating).

The Production Coordinator is accountable for working within SOPs, cGMPs, regulations, and company policy while ensuring that there is a constant flow of product through each of the production areas in each of the three departments in order to properly utilize each piece of equipment and meet the monthly attainment goals set by the Master Scheduler.

II. JOB RESPONSIBILITIES - List the primary responsibilities and job duties in order of importance.Job Duties% of time spent
on each duty

1. Track batches in order to ensure a constant flow of product through the production areas according to schedule. Includes releasing orders and assigning batch numbers according to the schedule, and tracking the batch through the production process to make sure it flows smoothly. Monitor which batches have and have not been weighed and speaks to the Warehouse Supervisor to ensure that they stay on schedule. (Also monitor inventory level and schedule manufacturing of pre-mixes) made in-house to ensure enough pre-mix for production for the month based on demand from the Master Scheduler.
2. Maintain production schedule to assure optimal machine utilization and to minimize downtime. Update schedule to make sure that it meets what the production boards say. Communicate with production supervisors on daily basis to give them notice of approximately when change-overs will occur. Work with Technical Services to schedule production of validation batches/demo batches. Determine overtime requirement needed to meet demands.
3. Perform capacity studies to see how much capacity there is and how much product they can expect to produce in a given shift in order to increase machine and labor efficiencies/utilization to increase capacity. Capacity studies are done for the blending, compression, and coating areas in each of the three departments. They are done at the beginning of the month, the middle of the month, and the end of the month. Also study machine utilization in coating on a daily basis to measure actual versus theoretical capacity for each shift and each coater. Write Exception Reports to explain capacity shortfalls.
4. Troubleshoot around schedule changes throughout the day to ensure optimal machine utilization despite changes/issues that have occurred.

40

20

20

20

5

6.

D-00524

Total

100%

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III. WORK FLOW

Describe how the incumbent gets the work, the processes (mental/physical) which the incumbent performs to transform the work, the work output, and what happens to the work once the incumbent has finished.

Production Schedules for each department come from the Master Planner. They are then updated based on capacity and what's being done. Orders are released based on the schedule and then batches are tracked through the production process from weighing to coating. The work output is the production of the product in the amounts needed according to schedule. An exception report is written which details why any certain product did not make the bulk attainment numbers in any given month.

IV. DECISION MAKING

A. Describe the decisions generally made and indicate whether the incumbent is the final authority or participates in the decisions.

1. Recommendations to manager around whether or not manufacturing will need to work overtime on the weekend. Shared Authority
2. Decisions around the order in which products are manufactured (given the schedule provided by the Master Planner) Final Authority
3. Decisions around manufacturing priorities, such as telling the manufacturing supervisors which pieces of the manufacturing process are priorities based on demand and daily information from the product planner. Final Authority

B. Describe the effect the decisions can have on company programs, processes, services, customers or financial results.

Decisions made impact how packaging runs, which in turn impacts sales and financial results. Decisions also impact the efficiency of the production lines. Poor decisions around pre-mixes will determine whether it is necessary to shut down a train. Poor decisions will result in poor equipment/personnel utilization that will result in the failure to meet product demand.

C. Outline the guidelines, practices, or limits which are used in making decisions and which assist in recognizing the limits of authority.

Decisions are limited by the Master Schedule, by predetermined plant labor standards, and SOPs.

V. SUPERVISION

Describe the supervision this position receives. In what manner and how often are instructions given? How and with what frequency is the work checked?

Input is given around scheduling priorities on a daily basis, primarily from Master Scheduler, Product Planners, Department Heads and the director. Work is monitored indirectly, with a smooth product flow indicating that work is being done well. If product doesn't flow, supervisors will inquire. Monthly Exception Reports that are submitted to the Dept. Head are also a measure of job performance. "Performance Appraisal" is performed annually, but performance is reviewed on an ongoing basis.

D-00525

VI. BUDGET/ASSET RESPONSIBILITY

A. Describe the duties that relate to budget preparation.

B. What is the value of the budget or assets administered in terms of \$ or units, or end results?

Enter dollar amount:

Describe:

**VII. INTERPERSONAL CONTACTS**

	Type	Reason for Contact	Frequency
A. Internal Contacts	Quality Assurance	To find out where a premix or component is in the testing process	Daily
	Shift Supervisors	Updating current manufacturing status, notifying of any changes in schedule, etc.	Daily
	Department Head Director/Planners	Updates on work, problem solving	Daily
	Warehouse Supervisor	Communicate weighing schedule	Daily
B. External Contacts			

VIII. INGENUITY

Describe typical job situations that require creativity and innovation.

Ingenuity must be used in scheduling—trying to get the right mix of equipment to minimize equipment downtime. Creativity is also required in knowing exactly when to make a premix and how much to make to keep it at an optimal level of inventory (so that there is enough, but not too much at any given time).

D-00526

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IX. PLANNING

What is the involvement with short and long range planning?

What organizational units does the incumbent plan for?

Monthly planning is done based on monthly attainment goals --scheduling is done on a monthly, weekly, daily, and shift basis. for both production and premises.

X. TRAINING AND EXPERIENCE

1. What formal education is required to perform the job duties (degree, field)?

BS or BA degree.

2. What training is required?

Training in utilizing different computer systems (AWACS, MM, PM), Microsoft Office, training/experience on shop floor in manufacturing process, training in and knowledge of SOPs and cGMP and safety regulations and how they affect the work processes in this job.

3. What previous experience, skills and abilities are required to perform the job? Where would it be obtained? What is the minimum number of years of experience that is needed?

Manufacturing experience is required (at least 1 year), which would ideally be obtained by working in a plant. Interpersonal skills and organizational skills are also necessary.

XI. EMPLOYEES SUPERVISED

Total number supervised _____ # exempt 0 nonexempt 0

Number supervised directly 0 Check if numbers are not yet determined 0

* Number supervised may represent an average or typical number for multiple incumbent positions.

XII. ORGANIZATION CHARTS

Please attach an organizational chart which shows how the job fits into the organization, including other jobs reporting to the same supervisor and all positions reporting to the incumbent. Indicate positions by titles and names of the incumbents; for multiple incumbent jobs, the number of people may be shown in parentheses instead.

Employee's Signature _____	Date _____	Director Level or Above Signature _____	Date _____
Supervisor's Signature _____	Date _____		

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EXHIBIT 2

Wyeth Consumer Healthcare

Internal Correspondence

Wyeth

To: File

Date: January 9, 2004

From: A. Schaschl, Centrum/Silver Manufacturing

Subject: Personal Notes: Meeting Between Howard Henry and Andrew Schaschl

General

Meeting between Howard Henry and Andrew Schaschl occurred on January 9, 2004, from approximately 11:00 am to 12:45 pm. Meeting was at the request of Howard Henry.

Purpose

Howard Henry was dissatisfied with his job assignment from the Org Cascade process and with his rating on his 2003 Performance Review.

Discussion Content

The meeting began with Mr. Henry asking for an explanation of how he was assigned to be a Packaging Supervisor resulting from the Org Cascade process. I explained the process from the beginning starting from the Corporate initiative to achieve business alignment from Corporate to the shop floor. It was explained that after Corporate Org Cascade completed a group of Pearl River leadership met numerous times to design the Pearl River structure resulting in the two PPU's. Director level leadership was selected by the Managing Director. The next level down (AD/manager) was selected during an off-site meeting using consensus of opinion of the site directors. The remainder of the positions were filled by a group meeting of all AD's/managers who utilized a collaborative approach and reached a consensus of opinion. Directors then reviewed the selections.

Mr. Henry indicated that he had been speaking to "people" ("people" were not identified nor was it clear whether these were operators, colleagues, managers, etc.) that told him that he was placed in the Packaging position as a punitive measure due to his Progress Review. It was explained to Mr. Henry that this was not the case. The main criteria used by AD's/Managers in placing individuals were job skills required for the position vs. skills possessed by the candidate, potential for a developmental opportunity and lastly performance. Also, at this time it was explained that job rotation was once the "norm" in manufacturing and packaging so that well rounded people with diverse backgrounds could be

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D 000588

Wyeth

developed. Mr. Henry stated that he did not feel an engineer should be in supervision. It was explained that engineers can and should obtain supervisory experience if they want to move into managerial positions, that I am an engineer and had a supervision assignment prior to becoming a manager, that some years ago mechanical, industrial and chemical engineers were the hire of choice for the packaging area, that the packaging area with the PLM's and the desire to improve the area's efficiency needs mechanical/technical supervisors, that he has had no exposure to the packaging operation and that much can be learned from supervising people and being in a new area. Lastly, it was explained to Mr. Henry that the same process was used for all people placed during Org Cascade (I roughly estimated that over 130 people were placed) and there was not a separate set of rules used for his placement. Since many people were placed in new positions it was likely that some would be happy about their new assignment and that some would not. I expressed that it was unfortunate that he was one who was not pleased.

The discussion continued with his Progress Review rating of a 3, "Solid Performer", which Mr. Henry felt was unfair and wrong. Mr. Henry felt he was a 5, "Outstanding", and no less than a 4, "Exceeds Expectations". Again, Mr. Henry stated that it was his progress review that was the reason he was placed in Packaging to which I again stated that this was not the case. Mr. Henry described the work he completed for 2003 and presented a document listing his completed work. It was explained to Mr. Henry that I was not saying that he did not complete any work and that 3 rated people are expected to complete work otherwise a lower rating would have been given. It was explained that he had problems with overall project management and driving multi-tasked, cross-functional projects to completion. Two examples were given: CTC Cleaning Verification and CTC Weigh Belt. Both projects were completed well beyond an acceptable timeframe with the weigh belt taking over two years to complete. In addition, it wasn't until his manager began involving himself in Mr. Henry's projects did any progress happen. It was explained that he requires too much attention from his manager to ensure that projects/tasks are completed. It was explained that the expectation of the position is that assignments are completed with minimal supervision and that the position even generates its own assignments to ensure the smooth operation of the train. Mr. Henry became very vocal and was yelling that he was not being treated fairly, that I was wrong in my assessment and that he worked hard. I calmly asked Mr. Henry to calm down or I could no longer continue the discussion. After some time, Mr. Henry calmed

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D 000589

Wyeth

down and the discussion resumed.

I asked Mr. Henry to review the documentation of his work he presented earlier that I had not read yet. Mr. Henry gave it to me and asked me to read it in his presence. I indicated that since it was about 10+ pages long I could not adequately review it in a short time in his presence and preferred to read it when I had more time later in the day. Mr. Henry refused and stated that I had to read it then or not at all. I said I would read it in his presence but would not do an adequate job. I read through as best as I could. After reading the document I stated again that I never said he didn't complete any work but that again due to what was previously explained I felt his review was properly conducted.

Realizing that the discussion was not leading to any resolution I asked Mr. Henry what he wanted to gain from our discussion. Mr. Henry stated that he wanted to be re-evaluated and be moved from the Packaging Supervisor position to an engineering position. I stated that, in my opinion, the review process was administered properly and the Org Cascade process was administered the same to all personnel so it would not be appropriate to re-review or re-assign him. Mr. Henry asked that if the circumstances happening to him happened to me what would I do. I responded that I felt there is something to learn in all new assignments and that I would work to be the best supervisor in Packaging. Mr. Henry indicated that he wished to pursue getting re-evaluated and his position re-assigned. I indicated that HR, Joanne Rose would be his next step.

The meeting concluded.

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